

property to the value of £30. The old soldier replied—"I was when I started from home this morning; I had then an old mare which was worth £30, but she has died on the way." "Then," replied the judges, "you cannot vote." "Ah!" said the old soldier, "it would seem that the right of voting was not in me, but in the old mare;" and with that he departed.

Now we have heard a great deal about providing in the Constitution to have judges of election to serve away off somewhere out of the State, in Florida, Tennessee, Louisiana, wherever any citizens of this State may be serving as soldiers of the United States, and allowing those soldiers to vote there. Not upon that principle, I am sure, did the old Convention of 1776 act. And the proposition is open to so grave objections on account of inconvenience, and the liability to fraudulent practices, that I apprehend this Convention will hardly entertain seriously any proposition of that sort. Now I desire to read to this Convention an extract from this book, with the view of showing the adherence of the Convention of 1776 to one of the fundamental principles of English liberty, the absolute preponderance of the civil over the military authorities; and the ideas that they had on the subject of soldiers voting. I read from page 185:

*"Resolved,* That no person holding a commission or office in the regular forces of this province, shall, during the time of his holding the same, be eligible as a representative aforesaid; nor shall any person who shall hereafter accept of any commission or office on the land or sea service, or shall enlist in the regular forces raised, or to be raised for the continental service, or the service of this or any other colony, be eligible as a representative as aforesaid, or hold any office or place in the civil department, or have a right to vote at any election, during the time he shall hold such commission or office in the military forces, or being therein entitled as aforesaid."

Now that is strong evidence of their desire to keep the civil administration apart from all military authority, and to keep the military authority subordinate to the civil administration, even in those times of revolution. In some parts of the State there were very considerable divisions of sentiment upon that question at that time. The patriotic county of Prince George's undertook to nullify that provision, and indeed did disregard it in the election which they held. And when the Convention assembled, the Committee on Elections reported—page 211,

"That Walter Bowie, Luke Marbury, [the grandfather, I believe, of my worthy friend here now representing Prince George's county,] Osborn Sprigg, and Thomas Sim Lee, Esqrs., are returned by Jeremiah Magruder, Humphrey Belt, and Thomas Boyd, as duly elected for Prince George's county.

"That the inhabitants of the county agreed, that every taxable man bearing arms being an inhabitant of the county, had an undoubted right to vote for representatives at this time of public calamity; that the judges appointed declined to act, and that they appointed the judges who made the return as aforesaid."

On page 214, it will be found, that the Convention, with but one dissenting voice, *"Resolved,* That the election for Prince George's county, not being held agreeable to the directions of the last Convention, is void, and that an election for the said county be held by the judges appointed at the last Convention, on Thursday, the 22d inst., [August, 1776,] at the court-house of the county, and that the members returned be discharged from further attendance in this Convention."

And that was also done in some districts in other parts of the State. So much for the right of suffrage as fixed by the Convention of 1776, which framed the original Constitution and form of Government for the State of Maryland. It was found afterwards that the Constitution which was adopted, expressly prescribed as a qualification for the right of suffrage, the possession of fifty acres of land, or property of the value of £30 sterling; in very nearly the same terms prescribed by the original Convention. Therefore in adopting the article of the Bill of Rights which declared that poll taxes as understood and practised previous to that time, especially in Great Britain, I believe, were grievous and oppressive, and ought to be abolished, the Convention had no reference whatever to the question of the right of suffrage.

This section I presume is intended to confer upon the Legislature of the State the power of taxation for necessary State purposes; that I presume is the object of it. The right to confer that power exists in the people at large; and they must confer it upon their agents before it can be exercised. They may limit the grant of power, if they please; and in this section it is limited very materially, although the limitation is not expressed in very precise and exact terms. The section reads:

"That the levying of taxes by the poll is grievous and oppressive, and ought to be abolished."

That might lead to very grave litigation upon many taxes that are usually laid by governments.

"That paupers ought not to be assessed for the support of the Government."

That I presume will not be open to question; for if they have nothing with which to pay the tax to be collected by the Government, then I cannot conceive very well how they can be subjects of taxation.

"But every other person in the State, or person holding property therein, ought to